HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2954 OF 2005.

Shri Rakesh Kumar Sharma. ...Applicant

V/s.

Inspector of Thane Nagar Police Station, Thane & Anr. ...Respondents.

Shri Nitin Pradhan i/b Advani/Sahwani/Heera, for applicant

Shri K.V.Saste, APP for respondent-State..

CORAM: A.M.KHANWILKAR,J
DATE : MAY 3, 2005

P.C. :-

1. Heard the counsel for the parties.

2. The applicant apprehends arrest in connection with the criminal Case being C.R. No.TNI 40 of 2005 registered with Thane Nagar Police station for offence under sections 406, 419,R/W 120(B) of I.P.C. and under section 20,21 and 25(C) Indian Telegraphic Act 1885. The applicant had moved the Sessions Court at Thane for anticipatory bail which has been rejected by the order dated 15th April, 2005. The principal reason on which the applicant’s prayer for anticipatory bail has been rejected seems to be that he did not appear before the

Sessions court on the relevant date and the cause for nonappearance offered was found to be incorrect. No fault can be found with the conclusion, in the backdrop of which the order came to be passed.

3. However, before this court, the applicant has tendered unconditional apology, not only through his counsel, during the course of argument, but has also expressed apology in writing in terms of affidavit dated 3rd May, 2005 tendered by the counsel, which is taken on record.

4. In view of the apology expressed by the applicant, and the explanation offered about the circumstances in which incorrect statement came to be made before the lower court, by way of indulgence, the applicant is granted limited protection to enable him once again to approach the Sessions Court by filing Anticipatory Bail application, if so advised, which will be decided on its own merit in accordance with the law. The applicant has given undertaking to remain present on all the relevant dates, as may be required by the Sessions Court. The applicant undertakes to appear before the Sessions Court on first date of hearing of the proposed anticipatory bail application and to abide by the directions regarding appearance to

be passed by the Sessions Court as may be. That undertaking is accepted. The applicant will file fresh anticipatory bail application before Sessions Court on or before 10th May, 2005.

5. Applicant not to be arrested till 10th May, 2005 on condition that he shall co-operate for the purpose of investigation as and when called upon. In the event, the applicant fails to seek appropriate orders from the Sessions Court on or before 10th May, 2005, it will be open for the Investigating Officer to proceed against the applicant in accordance with the law.